

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-vs-

ANDREW COOK,

Defendant.

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**NOTICE OF MOTION TO
WITHDRAW AS COUNSEL**

17-CR-00147

PLEASE TAKE NOTICE, that upon the pleadings, papers, and motion annexed hereto, that Jeffery L. Greco, Esq., will, on a date and time to be specified, move this Court to be relieved as counsel of record for the Defendant Andrew Cook in the above-captioned action, and for such other and further relief as this Court shall deem just and proper.

March 06, 2017

Respectfully submitted,

/s/ Jeffery Greco
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UNITED STATES DISTRICT COURT FOR
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UNITED STATES OF AMERICA,

-vs-

ANDREW COOK,

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**AFFIRMATION IN SUPPORT OF
MOTION TO WITHDRAW AS
COUNSEL**

17-CR-00147

JEFFERY L. GRECO, an attorney duly admitted to practice in the Courts of the State of New York, being duly sworn, hereby deposes and says:

1. My name is Jeffery Greco, and I am a principle with Greco Neyland, P.C., counsel of record for the defendant Andrew Cook (“Cook” or “Mr. Cook”) in the above-captioned action. I make this affirmation in support of my within motion to withdraw as counsel at the behest of Mr. Cook as a result of a breakdown in communication, and an inability to continue paying the legal fees agreed upon in this case.
2. On November 22, 2016, Mr. Cook was arrested and charged with the instant offense. Members of Mr. Cook’s family, including his mother, Wendi Pedersen (“Wendi” or “Ms. Pedersen”), and his father, George Cook (“George” or “Mr. Cook”), contacted my firm in late December/early January, and sought to retain my services to handle Andrew Cook’s case. Mr. Cook and Ms. Pedersen agreed contractually, to act as guarantors, for Andrew Cook and to pay for the legal fees as per my engagement letter. As Andrew Cook was incarcerated, and had no other foreseeable means of income, he would depend entirely upon his parents to pay for the legal fees in his case.
3. Immediately upon being retained by the family of Andrew Cook, I traveled to, and met, met with Mr. Cook while he was in the Metropolitan Detention Center (MDC). I then filed my notice of appearance on this case on January 3, 2017.

4. Subsequent to this notice being filed, we have conducted three (3) detention hearings.

The first detention hearing took place on January 12, 2017, before Magistrate Judge Fox. Judge Fox denied the Government's motion to detain Mr. Cook and set conditions of bail for Mr. Cook. Immediately thereafter, the Government appealed to the Part 1 Judge, and the Honorable Judge Kaplan heard the appeal. Judge Kaplan again, denied the Government's motion to detain, and set bail for Andrew Cook.

5. While the pre-release conditions for bail were in the process of being satisfied, the Government discovered new "evidence" in the way of a jailhouse snitch, as well as an alleged cooperator that was present when the initial arrest of Andrew Cook took place in this case. As a result of this newly discovered evidence, the Government requested, and a bail hearing took place, on January 30, 2017, before the Honorable Judge Marrero.
6. Upon hearing the Government's newly discovered evidence they obtained from cooperators, Judge Marrero granted the Government's motion to detain Andrew Cook, finding that no condition, or set of conditions, existed such that Mr. Cook would not pose a flight risk, or a danger to the community.
7. On March 1, 2017, Andrew Cook was indicted by the Grand Jury for the narcotics violation alleged in the complaint. Later that same day, I received an email from Wendi Pedersen, indicating, among other things, that Andrew Cook had lost all confidence in my ability to defend him, and that this loss of confidence could not be overcome.
8. Fearing that this "loss of confidence" had to do with a desire to not continue paying my agreed upon legal fees, I emailed Andrew Cook, and offered him my services free of charge going forward, at least until we were able to conduct another detention hearing before Judge Schofield. In essence, I agreed to suspend my legal fees and not collect or

request any more fees until after a final decision could be rendered in his bail hearing.

Andrew indicated to me that he would think this over and let me know.

9. On March 5, 2017, I received an email from Andrew Cook indicating to me that he would like to “go with a Federal Defender” from this point forward as he has no means of income from which to continue to pay my legal fees. I replied to Andrew Cook that I had received his email and I would file the motion to withdraw, as he requested.
10. I will bring a financial affidavit with me to Court tomorrow and give it to Andrew Cook for him to fill out so that it can be turned in at Court.

WHEREFORE, I respectfully request that this Court enter an order permitting Jeffery L. Greco to withdraw as counsel, appointing either the Federal Defenders’ Office or CJA counsel for Mr. Cook, and such other and further relief as this Court shall deem just and proper.

Dated: March 06, 2017

Respectfully submitted,

/s/ Jeffery Greco
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